The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KENNETH L. DAVIS

Appeal No. 2006-2127
Application No. 09/747,332

ON BRIEF

Before HAIRSTON, JERRY SMITH, and BLANKENSHIP, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 22.

The disclosed invention relates to a method and apparatus for detecting a cursor in proximity to a geometry piece of a computer-aided design, and, in response to the detection of the cursor, determining whether multimedia is associated with the geometry piece. In response to a positive

determination that multimedia is associated with the geometry piece, an icon associated with the geometry piece is automatically generated for accessing the associated multimedia.

Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A method comprising:

detecting a cursor in a proximity of a geometry piece of a computer aided design, the cursor separate from and movable relative to the computer aided design;

in response to detecting the cursor in the proximity of the geometry piece, determining whether multimedia is associated with the geometry piece of the computer aided design; and

in response to a positive determination that multimedia is associated with the geometry piece, automatically generating an icon associated with the geometry piece of the computer aided design for accessing the associated multimedia.

The reference relied on by the examiner is:

Russell, Jr. et al. (Russell)	5,526,478	June 11, 1996

Claims 1 through 3, 5 through 13 and 15 through 22 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Russell.

Claims 4 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Russell.

Reference is made to the briefs and the answer for the respective positions of the appellant and the examiner.

OPINION

We have carefully considered the entire record before us, and we will reverse the anticipation rejection of claims 1 through 3, 5 through 13 and 15 through 22, and reverse the obviousness rejection of claims 4 and 14.

All of the claims on appeal require a cursor that is "separate from and movable relative to the computer aided design." In Russell, the cursor 29 is "separate from and movable relative to the computer aided design." The cursor 29 is moved to the position at which a pointer 41 should be located to point at a computer-aided design (i.e., geometry piece 40) (Figure 4A; column 8, lines 32 through 34). Thereafter, control device 27 sends a signal to generate the pointer 41 where cursor 29 is located (column 8, lines 34 through 36). After the pointer 41 is generated, control device 27 moves the cursor 29 to element 51a to set the pointer (column 8, lines 36 and 37). Russell is silent as to movement of the pointer 41 "relative to the computer aided design."

All of the claims on appeal also require that a determination be made whether multimedia is associated with the geometry piece of the computer-aided design prior to automatically generating an icon associated with the geometry piece. In Russell, the pointer 41 is activated by a marker 42 (i.e., an icon) prior to determining whether multimedia is associated with the geometry piece 40 (column 2, lines 41 through 46, 59 and 60; column 8, lines 45 through 48, 64 and 65; column 9, lines 5 through 7, 18 through 22, 36 through 39). Figure 9 of Russell clearly shows that the pointer 41 is placed on the 3-D model (step 153) and activated by the marker/icon 42 (step 156) prior to any determination of a multimedia function (steps 157 through 160) (column 11, lines 28 through 45).

In summary, the anticipation rejection of claims 1 through 3, 5 through 13 and 15 through 22 is reversed because each and every limitation of the claimed invention is not found either expressly or inherently in Russell. Bristol-Myers Squibb Co. v. Ben Venue Labs, Inc., 246 F.3d 1368, 1374, 58 USPQ2d 1508, 1512 (Fed. Cir. 2001).

For all of the reasons expressed supra, the obviousness rejection of claims 4 and 14 is reversed.

DECISION

The decision of the examiner rejecting claims 1 through 3, 5 through 13 and 15 through 22 under 35 U.S.C. § 102(b) is reversed, and the decision of the examiner rejecting claims 4 and 14 under 35 U.S.C. § 103(a) is reversed.

REVERSED

KENNETH W. HAIRSTON)
Administrative Patent Judge)
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JERRY SMITH) BOARD OF PATENT
Administrative Patent Judge) APPEALS AND
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